MAGISTRATE JUDGE'S SUMMARY OF CASE MANAGEMENT PLAN

Date Approved: **Cause No.**: 1:07-cv-01096-SEB-TAB

Caption: MDG International, Inc. v. Australian Gold, Inc.

Pltf's Counsel: Edward O. DeLaney; Kathleen A. DeLaney, Elizabeth A. Schuerman: 317.920.0400

Deft's Counsel: Richard A. Kempf, Thomas F. O'Gara, Peter J. Prettyman: 317-713-3500

Nature of Case: Breach of Contract; Constructive Fraud; Actual Fraud

Defenses: General denial, defense and counterclaim for prior breach and/or partial automatic termination of contact.

Discovery: Non-expert witness/liability discovery – June 1, 2008; Expert witness/damages discovery – November 15, 2008

Readiness: Trial in March 2009

Trial Time: Jury Trial – 10 days

Motions Pending: Motion to Dismiss Constructive Fraud Claim.

Motions Future: Amend pleadings/add parties by February 28, 2008.

Pltf's Demand: Due December 28, 2007 **Defense Offer**: 30 days after demand

Settlement: The parties request a settlement conference with Magistrate Judge Baker.

Remarks:

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